

**Minutes of the Grinnell City Council Meeting
Monday, August 16, 2004**

The City Council of the City of Grinnell met in regular session in the Council Chambers of the Grinnell Community Center, 927 4th Avenue, Grinnell, Iowa, at 7:00 p.m., Monday, August 16, 2004. Mayor Canfield presided.

Roll Call: PRESENT: Elliott, Wilson, White, Worley, Witt. ABSENT: McNaul

PERFECTING AND APPROVAL OF AGENDA:

Moved by ELLIOTT, second by WHITE, to approve the Agenda and the Consent Agenda as amended. Roll Call Vote: Ayes: Elliott, White, Wilson, Worley, Witt. Motion carried.

CONSENT AGENDA:

- Previous minutes as drafted from the Monday, August 2, 2004 Regular Session.
- Review of New Application for Class C Liquor License for Casa Margaritas. (This item was removed from the agenda because the inspection was not able to be successfully completed.)
- Request from Chamber of Commerce to use right-of-way, block off parking spaces, and use city barricades.

PUBLIC HEARING:

Mayor Canfield opened the public hearing for the purpose of receiving and opening sealed bids for the disposal of four police vehicles. Hage noted no comments or inquiries had been received prior to the meeting. Canfield requested comments and inquiries from the citizens present. There were none. Elliott stated city procedure to open and accept bids, however defer award if the council prefers. The bids received were as follows: Cheyka Motors, Inc.: Item No. 1 - \$1,507.00, Item No. 2 - \$3,817.00, Item No. 3: \$4,417.00, Item No. 4: \$5,017.00 Total Bid: \$14,758.00. Welcome Motors: Item No. 1 - \$1,588.00, Item No. 2 - \$1,588.00, Item No. 3: \$2,688.00, Item No. 4: \$3,488.00 Total Bid: \$9,352.00. KC Motor Vehicle: Item No. 1 - \$1,256.00, Item No. 2 - \$2,556.00, Item No. 3: \$3,056.00, Item No. 4: \$4,256.00 Total Bid: \$11,124.00. .

Moved by ELLIOTT, second by WHITE, to close the Public Hearing. Roll Call Vote: Ayes: Elliott, White, Witt, Worley, Wilson. Motion carried.

Moved by ELLIOTT, second by WITT, to table this matter until the next regular City Council session. Roll Call Vote: Ayes: Elliott, Witt, White, Worley, Wilson. Motion carried.

Mayor Canfield opened the public hearing for the purpose of reviewing the status of funds for the Engineered Plastics Components Economic Development Set Aside Project at 7:03 p.m. Hage noted no comments or inquiries had been received prior to the meeting. Canfield requested comments and inquiries from the citizens present. Mr. Marty Wymore – Region Six Planning - reviewed the set aside grant issued in December 2002 for the purpose of creating 150 new full time jobs in addition to retaining the existing 37 positions. The grant also required an investment of over nine million dollars. He noted that the business has not currently met the employment regulations, however there is still four months left to reach that goal. The investment component has been reached. Elliott questioned what would happen if the minimum jobs created/retained requirement is not met by the end of the year. Wymore said the state may extend the contract an additional year to meet the requirement. If the state does not extend the contract, a loan repayment schedule will be created on a pro-rated basis on how many jobs short of the requirement they were. Elliott also questioned how the strike may have impacted the business's efforts. Wymore explained that the state has been informed and kept apprised of the situation, however at this time it has not had any impact on the grant. Elliott questioned the current employment figures. Wymore stated that in May, employment was approximately 170 employees. He indicated that currently EPC is likely under that figure. Behrens clarified that if the business meets all of the requirements of the grant, there will be no further public hearing. If the contract is extended, the council will have to have another public hearing. Elliott stated that the city of Grinnell will not be responsible for any repayment of the loan.

Mike Anderson questioned how long the company must employ the individuals in the new jobs created. Wymore explained that it would have to be more than one day, however could be less than sixty days following the closure of the grant.

Moved by ELLIOTT, second by WITT, to close the Public Hearing. Roll Call Vote: Ayes: Elliott, Witt, Worley, Wilson, White. Motion carried.

Mayor Canfield opened the public hearing for the purpose of reviewing the status of funds for the ASI/Modulex Economic Development Set Aside Project at 7:10 pm. Hage noted no comments or inquiries had been received prior to the meeting. Canfield requested comments and inquiries from the citizens present. Wymore presented a brief overview of the grant issued in March of 2003. At this time, ASI has created eight of the required fifteen new full time positions and has invested \$164,000.00 of the required \$458,000.00. He stated that this project is on schedule to meet all requirements.

Moved by WHITE, second by ELLIOTT, to close the Public Hearing. Roll Call Vote: Ayes: White, Elliott, Wilson, Worley, Witt. Motion carried.

COMMUNICATIONS:

- I. Resignation of Police Officer Rob Kovacs. The City Council wished Officer Kovacs well on his new employment.
- II. Finance Minutes-July 19, 2004
- III. Grinnell Tourism Group Minutes-July 21, 2004
- IV. Poweshiek Iowa Development Minutes-July 21, 2004
- V. Planning Minutes-August 2, 2004
- VI. Finance Minutes-August 2, 2004
- VII. Public Works Minutes-August 2, 2004
- VIII. Public Works Minutes-August 12, 2004

OLD BUSINESS:

- I. Report from the Finance Committee.
 - o Recommendation in regard to the proposed RACI Grant agreement for the Strand Theater.

White reviewed the \$10,000 grant received to assist with the rehabilitation of the Strand Theater.

Moved by WHITE, second by ELLIOTT, to approve the RACI Grant agreement in regard to the Strand Theater. Roll Call Vote: White, Elliott, Wilson, Witt, Worley

- o Review of request for a Tax Rebate from the Strand Theater.

White reviewed the lump sum rebate request, however recommended no action at this time. Behrens noted that at the time the request was made, the theater had not met their fundraising goal. Now that the Theater has met their original goal for funding, they may not need the additional dollars up front. The committee will report on this item at a later date.

- o Recommendation in regard to the request by John Runyan for tax abatement.

White discussed the similar request made by Runyan for tax abatement. The committee did not take any action on this item.

- o Review of the Capital Improvement Plan for the following departments: Police, Fire and Administration.

White reviewed the departmental projects presented by the Police Department, Fire Department, and Administration. Projects potentially include the purchase of a repeater, digital fingerprinting equipment, construction of a new public safety building, police car video system, vehicle replacement, and police mobile data terminals, an aerial pumper truck and a city wide archiving system. The committee reviewed the wireless capabilities of the mobile computers. Behrens explained that this process will be compiled similar to the budget. Once all projects are presented, staff will balance the expenditures and revenues to determine feasibility. There was no action taken on this item.

- Review of the Central Business District financing summary.

White informed the council of the ongoing discussion to determine funding for the Central Business District project in order to meet the construction deadline beginning during the summer of 2005.

- Recommendation in regard to the requests for assistance from the Campbell Fund.

The requests were approved as presented.

White reviewed the inquiries voiced from Wilson in regard to the pursuit of Local Option Sales Tax and the update provided by Bill Menner in regard to POW.

II. Report from the Planning Committee

- Review of the amendments to the ordinance in regard to planting trees in the right of way.

Worley updated the Council on the initial committee discussion in regard to the planting trees in the right of way. The city anticipates expenditures of over \$100,000.00 to maintain the existing trees in the right of way. The committee does not have a recommendation at this time, however will be working on the item during a future workshop.

- Recommendation in regard to the request by Kamal Hammouda for the permission to plant a tree in Central Park.

This item was tabled. No action was recommended at this time.

- Recommendation in regard to the request by Linda Routier in regard to the Lights of Love.

This item was tabled. No action was recommended at this time.

Worley requested discussion of the sign ordinance as Council Member Elliott had proposed modifications to present proposal. Elliott felt that the ordinance should be applied to each business owner equally. She suggested Subparagraph F be constructed with three provisions. One point would clarify that due to the unique historical impact of theaters in small towns. The second point needed to provide a minimum height off the ground for protruding signs as a fixed number. Finally, the third point needs to prohibit the neon from flashing or moving within the signs. Worley agreed with the points made by Elliott.

Moved by WORLEY, second by WITT, to send the Ordinance back to the Planning Committee for re-drafting. Roll Call Vote: Worley, Witt, White, Wilson, Elliott. Motion carried.

III. Report from Public Works & Grounds Committee.

- Review of the Ordinance and Resolution pertaining to the Commercial Solid Waste Study.

Elliott prefaced the discussion in regard to the solid waste ordinance with the comment of how important council opinions are on this matter, however that if the council would like more time to review the proposed ordinance that review should take place in between the readings of the ordinance as the committee has targeted a specific date for implementation of the new program. Elliott provided a brief background of the process in regard to various solid waste program users (industrial, commercial, and multiuse/family facilities.) Solid waste is an enterprise fund which is required to expend no more money than it earns. Elliott said that the commercial solid waste fund has been dipping in the red for the last few years. Residential solid waste has been transferring funds to cover the cost. Elliott further stated that commercial customers have never been charged a fee for the recycling program. She said that at the time the program was implemented, the demand to recycle in the downtown was very strong, so the city added a route downtown without factoring in a fee. The residential fees have covered this cost also.

The compounding issues of the programs not being able to substantiate themselves with the current fee structure, with operational costs increasing, and due to the fact that recycling incentives have not been implemented for commercial properties, the committee proposes the new ordinance. Elliott broadly reviewed the ordinance including the following changes: there are people in Grinnell who pay no fees at all, in order to achieve the universal paying public and in order

to apply the recycling incentives that are imperative to keep costs down, the city has got to be the sole provider for all commercial users within the city of Grinnell. The impact of this change should be fairly small. Commercial customers, like residential customers, would now be required to use the city of Grinnell for their service.

The ordinance sets a broad framework for the program and the resolution will actual implement the provisions within the ordinance. The rate structure is imbedded in the resolution not in ordinance to allow for ease change. The rate structure is based on a matrix. The matrix is established by considering the need for revenue to cover expenses. It used that information to determine how much needs to be charged to cover those costs. Each year the city can project what is needed to operate and the matrix will then calculate how much to charge each customer. The implementation of the matrix may cause substantial increases – in some cases up to 80%.

Elliott added that one focus of the committee was on the downtown customers who have very small solid waste disposal needs. She explained to charge the full matrix rates to those small businesses would be completely disproportionate. Therefore, the city created a small user fee equal to the residential rate. This allows for no more than three bags per week forcing each small business to recycle to be eligible. Elliott explained that dwellings with more than five units will be required to use a dumpster. If there are five or less units, the owner will be presented the option to function as small residence/business.

Elliott reviewed the businesses who are currently using the city dumpster service will experience more significant increases if they choose not to recycle. She suggested that each business owner review their waste stream and consider recycling more aggressively. She explained that the user can control how much they pay by how much they recycle. She also suggested review of seasonal workflow. She suggested changing the pick up cycle to coordinate with the billing cycle (every two months.)

Elliott reviewed the items that the city does accept through the recycling program. She closed by reviewing the concept of the shared dumpster and the complication of the billing. Shared dumpsters must be established by the city and only one customer will now be billed for the service. It will be responsibly of the users to determine the shared cost.

White questioned why the city only wants to bill one customer on the shared dumpster scenario. He felt that each person should continue to be billed. Elliott explained the complications caused by the city attempting to determine the percentages at which level each user is billed as well as the complication added by establishments going out of business.

Witt commented that increasing recycling is the major goal for the program and that the city cannot continue to function under its current system. Behrens commented allowing staff to quantify the charges based on the number of pick ups or volume of waste etc. will be a huge step forward, in addition to developing an incentive program to promote recycling for commercial users.

Worley clarified that the council must be untied in believing that the waste stream must be reduced. He questioned if staff had billing information available for those business owners who are concerned about how their billing will increase. Elliott commented that all program information will be provided to the public prior to implementation. She stated that the specific answer to the specific question is yes, however Baker is on vacation and he will be the best source to determine cost. However, the counter question will be asked if you are a matrix user can I talk to you about what is in your waste stream, can we discuss frequency of pick ups and please let us help you lower cost by implementing recycling. Behrens said that staff will try and meet with the business owners as they come forward and that staff may also seek some business owners out to use their accounts as examples.

Worley also questioned if there is a way for the collectors to pick up bags of shredded documents. Elliott explained that there is no change proposed for the red boxes. She said at some point the city will have to consider lidded containers.

Wilson commented in regard to recycling in general. He reminded the citizens that almost any paper, plastic, and cardboard materials are eligible for recycling.

Moved by ELLIOTT, second by WITT, to conduct the first reading of Ordinance No. 1237 **"AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF GRINNELL, IOWA, BY AMENDING PROVISIONS PERTAINING TO SOLID WASTE COLLECTIONS."** Roll Call Vote: Ayes: Elliott, Witt, Wilson, White, Worley. Motion carried.

Elliott noted the resolution will be proposed for adoption at the time of the third reading of the ordinance.

** Please note: It was at this time that Council Member White left the meeting.

- Discussion in regard to the 8th Avenue crosswalks.

Elliott reviewed the request by Grinnell College for the establishment of a new crosswalk that had previously been tabled. She stated that the committee has discussed the request for the crosswalk again based on concerns raised by the college. The request for the crosswalk is to place it east of ARH and Younkers Dormitory Building, in addition to the crosswalk that already exists.

The college is urging the establishment of a crosswalk for the safety of the students. The committee expressed the concern that the students are not looking both ways before they cross the street. Brand intends to review regulations with the new and returning students. Elliott noted that the crosswalk does not meet the regulations stipulated by the MUTCD manual and establishment of the crosswalk will create liability. Elliott is concerned that the crosswalk will create a false sense of security and make the problem worse.

Moved by ELLIOTT, second by WITT, to paint a cross walk as described above and to erect signs for use until June 15, 2005 and then the item will return to the City Council for further review.

Wilson expressed his problem with providing signage for the crosswalk and then not providing the standard enforcement for the signage. He also expected that in the event of an accident, there would be full police enforcement. Elliott clarified that the crosswalk will be enforced in a manner similar to all other crosswalks. Worley questioned why this issue was not presented to the Safety Committee. Wilson was confident the outcome would have been similar.

Roll Call Vote: Ayes: Elliott, Witt, Worley, Wilson. Motion carried.

Wilson further questioned if the placement of the new signs will require an amendment to the ordinance. Behrens felt it should be an official ordinance. Elliott felt the signs and the paint need to be installed immediately and the city can adopt the necessary language in process.

- Recommendation in regard to the proposed lease in regard to the swimming pool parking lot.

Elliott noted the amendments proposed to the agreement were included in the copy of lease provided to the City Council. The amendments pertain to the any damage to the parking lot being the school's responsibility to repair.

Moved by ELLIOTT, second by WITT, to approve the lease agreement with the amendments. Roll Call Vote: Elliott, Witt, Wilson, Worley. Motion carried.

- Recommendation in regard to the resolution establishing rates for the Hazelwood Cemetery.

Moved by ELLIOTT, second by WITT, to approve and adopt Resolution No. 2700: "A RESOLUTION ESTABLISHING RATES FOR HAZELWOOD CEMETERY." Roll Call Vote: Ayes: Elliott, Witt, Wilson, Worley. Motion carried.

- Recommendation in regard to the request by Dave Ditzler on behalf of Jewel Kintzinger for improvements to a retaining wall.

This item was tabled. No action was recommended at this time.

- Review of the request by the Optimist Club in regard to the placement of flags.

Elliott explained the committee had continued to review the item, however until further review can be completed by the Public Services Director, they will make no recommendation.

- Set Date for Public Hearing in regard to 10th Avenue Water Main Project.

Elliott discussed that funding for this project will be provided 50% by Grinnell College and the proposed location for the main will be in the center of the road.

Moved by ELLIOTT, second by WITT, to schedule the public hearing for Monday, September 6, 2004 at 7:00 pm and acceptance of bids until 2:00 pm on Thursday, September 2, 2004 in regard to the 10th Avenue Water Main Project. Roll Call Vote: Ayes: Elliott, Witt, Wilson, Worley. Motion carried.

- Discussion in regard to the naming of creeks.

Elliott recommends that names be accepted to identify the unnamed creeks within the city of Grinnell until Columbus Day. This way the results of the contest can be announced at the final sesquicentennial celebration event. Elliott noted which creeks are included and requested the citizens make suggestions to name the creeks.

Moved by ELLIOTT, second by WITT, to move forward with the naming project. Roll Call Vote: Ayes: Elliott, Witt, Worley, Wilson. Motion carried.

- Recommendation in regard to the Shive-Hattery engineering contract.

Elliott explained this agreement would provide engineering for the road and culvert for the Lang Creek Crossing Development. The award of this contract will not be paid for in any part by Grinnell citizens. A portion will be paid for with RISE grant funding, and the balance will be paid for by the developer.

Moved by ELLIOTT, second by WITT, to approve the contract as proposed by Shive-Hattery. Roll Call Vote: Ayes: Elliott, Witt, Worley, Wilson. Motion carried.

- Discussion in regard to the sidewalk repair program.

Elliott reminded the City Council that the city is no longer conducting a sidewalk plan due to lack of funding. She felt that half of the project is having the funding available for construction, but the other half is organizing someone to do the work. Elliott suggested that if homeowners who would like to complete work to their sidewalks, the city could act as a liaison and compile a list to forward to the contractors. The property owner would be required to pay for the entire cost of the labor and materials. She requested interested citizens contact Duane Neff by September 20, 2004. This will allow the work to be completed during the month of October. The committee would still like to encourage repairs even though the city cannot offset actual cost.

Moved by ELLIOTT, second by WITT, to complete the above described program as a pilot project. Roll Call Vote: Ayes: Elliott, Witt, Wilson, Worley. Motion carried.

- Discussion in regard to swimming pool engineering agreement.

Elliott reviewed the proposal by Burbach Aquatics for engineering services to assist the city as the construction of a new municipal pool facility is considered. This contract will provide an engineered study of what the city can do and should do for the facility and provide actual impacts

Moved by ELLIOTT, second by WITT, to approve the agreement with an amendment that there is an ending date for construction exposure. Roll Call Vote: Ayes: Elliott, Witt, Worley, Wilson. Motion carried.

- Confirm Arbor Lake Committee Members.

Elliott reviewed the establishment of the committee in regard to work specifically associated with Arbor Lake. The city has clarified they are an official committee of the city.

Moved by ELLIOTT, second by WITT, to confirm the Arbor Lake Committee appointments consisting of: Liz Quethum, Dr. KK Cornish, Martha Pinder, and Ted Clausen. Roll Call Vote: Ayes: Elliott, Witt, Wilson, Worley. Motion carried.

NEW BUSINESS: None.

FINAL READING OF THE ORDINANCE

Moved by WORLEY, second by ELLIOTT, to conduct the final reading of Ordinance No. 1235 "AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF GRINNELL, IOWA, BY ADDING PROVISIONS PERTAINING TO VIOLATION OF TRAFFIC REGULATIONS." Roll Call Vote: Ayes: Worley, Elliott, Wilson, Witt. Motion carried.

Behrens noted that the city attorney will prosecute the cases if need be, however the intention is to work with the county to provide the service of prosecution of the cases on behalf of the city. Behrens is confident the violation fees collected will more than cover the cost of prosecution.

INQUIRIES:

Behrens informed the Council that Renaissance has requested a special meeting be held on Tuesday, August 31, 2004 at the Depot Restaurant at 5:30 pm, to brainstorm the future of the organization

Moved by ELLIOTT, second by WORLEY, to hold the meeting Tuesday, August 31, 2004 at 5:30 at the Depot Restaurant for the purpose of discussing Renaissance. Roll Call Vote: Elliott, Worley, Witt, Wilson. Motion carried.

Mike Anderson – Grinnell Herald – will be moving to Chicago to pursue his journalism education and career. The City Council congratulated him on his endeavors.

EXECUTIVE SESSION:

Moved by ELLIOTT, second by WITT, to enter in to executive session for a strategy meeting of the Grinnell City Council as provided for by Section 20.17 (3) of the Code of Iowa, to review confidential reports relating to employee negotiations which, if released, would give unfair advantage to others and serve no public purpose. Roll Call Vote: Ayes: Elliott, Witt, Worley, Wilson. Motion carried.

Moved by ELLIOTT, second by WITT, to reopen the session at 8:51 p.m. Roll Call Vote: Ayes: Elliott, Witt, Wilson, Worley. Motion carried.

ADJOURN:

Moved by WILSON, second by WORLEY, to adjourn this regular session of the Grinnell City Council. Vote: (4) ayes, motion carried. Adjournment: 8:52 p.m.

ATTEST:

Gordon Canfield, Mayor

Cassandra R. Hage, City Clerk